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# The Problem of Keeping So Many Secrets Secret

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WASHINGTON, April 18 — Ever since the Government contrived its system for keeping secrets during World War II, Presidents have been laboring, mostly unsuccessfully, to prevent classified information from spilling out, except when they want it to.

Perhaps the most diligent has been President Reagan, who a year ago issued an executive order designed to tighten controls over secrets. Last month he reinforced that order by directing officials to sign secrecy agreements and, when unauthorized disclosures did occur, to cooperate with investigators and submit to lie detector tests.

The President's orders, however, may be unenforceable because of the staggering expanse of Government secrets and the chaotic system that has evolved over 40 years to control their dissemination.

The Information Security Oversight Office, which monitors the system for the National Security Council, says that in 1980, the year of its latest survey, the Government placed secrecy classifications on 16 million pieces of information. The office estimated an annual growth of 10 percent, which would put the 1983 figure over 21 million.

Within the Government, 7,150 officials in 1980 had what is known as original authority to declare information secret. But they had delegated to 113,000 other officials the authority to decide what should be kept secret. Uncounted hundreds of thousands of other officials had access to those secrets.

## Random Check for Abuses

While the information office asserted that most officials in the 100 Government agencies empowered to classify information abided by regulations, it acknowledged in a 1981 report to the President that there had been abuses.

In a random check, the oversight office estimated that 600,000 papers had been classified without authority; another 800,000 had been classified unnecessarily. Officials with delegated authority marked 1.2 million documents as if they had original authority; in 2.2 million cases, unauthorized restrictions were imposed.

Today, more than half the classifying is done by five agencies: the Departments of Defense, State, Energy, Justice and the Central Intelligence Agency, all concerned with national security. The Energy Department makes nuclear weapons while the Justice Department includes the Federal Bureau of Investigation and internal security.

Between Oct. 1, 1981, and July 31, 1982, the Defense Department alone classified 11,691,876 pieces of information, with 301,355 stamped "top secret." The department also had 1,210,014 top secret documents in its inventory, according to a departmental report.

"Top secret" is defined as meaning that unauthorized disclosure could cause "exceptionally grave damage to the national security," such as an armed attack. "Secret" means that disclosure could cause "serious damage," such as compromising a military or intelligence operation, while "confidential" could cause "damage," such as revealing production data on war munitions.

## 'A Judgment Call'

Each agency has regulations to specify what should be classified and at what level. The Pentagon has 19,000 guidelines. But officials asserted that decisions are really left to each official. "It's a judgment call," said one.

Over the years, some secrets have

clearly been necessary. Others have been frivolous, or at least have not fit definitions stamped on cover sheets.

The C.I.A., for instance, classified as top secret a report based on aerial photographs in 1962 that 33 Soviet missiles and 23 launchers were in Cuba, evidently because the agency wanted to conceal the extent and method of the surveillance.

During the war in Vietnam, however, the Joint Chiefs of Staff made use of a top secret designation on a telegram that directed field commanders in Vietnam to minimize publicity about American air strikes.

The State Department classified as secret a highly sensitive negotiating plan to bring the nation's balance of international payments under control in 1963. But it also classified as secret a routine summary of Soviet press commentaries on the election of President Truman in 1948.

## Evaluation of the F-18

Each paragraph in a classified paper may bear a different marking, depending on its gravity. In the Pentagon's newest Defense Guidance, which provides strategic direction for the armed forces, this seemingly innocuous paragraph was marked secret: "The Air Force must be able, in conjunction with other U.S. forces and our allies, to deter aggression and defeat it, should aggression occur. This means the projection, application, and sustainment of air power."

More recently, the Navy marked as confidential a message from Norfolk, Va., to Washington last November asserting that the F-18 Hornet fighter bomber, after tests, "is not operationally suitable" and recommending against approval for service use.

Earlier, however, the same confi-

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dential marking was stamped on a telegram from the American Embassy in Tokyo to the State Department in 1964 reporting that Japan Air Lines wanted to fly into New York. Anyone who had read a Japanese newspaper had known that for months.

An official in the system here acknowledged that there is "an instinct to overclassify" and said: "Most of that is done by top political appointees who haven't worked in the system before." Checks turn up abuses, he said, but "the bureaucratic burden to change is such that most people think it not worth the effort."

#### **Rules Sometimes Ignored**

The President's executive order forbids classifying information "to conceal violations of law, inefficiency, or administrative error" or "to prevent embarrassment" or "to restrain competition." Officials suggested those rules were sometimes ignored.

The order further provides that abuses could be punished with a reprimand, suspension without pay, removal or terminating the right to classify. But officials could not recall offhand having heard of anyone subjected to those sanctions.

Beyond the sheer size of the secrecy program, trying to enforce it may be illegal. Congress has never passed a law specifically setting up the process. Instead, the President has relied on his constitutional authority to conduct foreign policy and organize national security to issue executive orders on secrecy.

Said one knowledgeable official, speaking on condition that his identity remain secret: "There are no laws giving the President the authority to classify anything."